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OFFICE OF PETITIONS

ON PETITION

In re Application of :  
Igarashi et al. :  
Application No. 10/823,609 :  
Filed: April 14, 2004 :  
Attorney Docket No. 251790US90CONT :

This is a decision on the petition filed August 18, 2004, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that pages 31-37 of the specification were part of the originally filed application.

The application was filed on April 14, 2004. On July 29, 2004, a Notice was mailed stating that pages 31-37 of the specification did not appear to be included as part of the application filed.

The present petition alleges that pages 31-37 of the specification were filed on April 14, 2004. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 41 pages of specification on April 14, 2004.<sup>1</sup>

The USPTO file for this application includes only 34 pages of specification and does not contain the 7 pages numbered 31-37. Based on the evidence submitted, the Office concludes the missing pages were part of the application but were later misplaced. Therefore, the petition is **granted**.

The \$130 petition fee will be credited to petitioner's deposit account.

The Notice mailed July 29, 2004, was sent in error and is hereby vacated.

The Office of Initial Patent Examination will be informed of the instant decision and will further process the application with a filing date of April 14, 2004, using the application papers filed on April 14, 2004, and the copy of pages 31-37 of the specification filed on August 18, 2004.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley  
Petitions Attorney  
Office of Petitions

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<sup>1</sup> Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.